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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,037	10/31/2003	David Allen Brown	7-3-1	1196

7590 05/03/2007  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560

EXAMINER
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FAROUL, FARAH

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/699,037

Applicant(s)

BROWN ET AL.

Examiner

Farah Faroul

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-3, 5-11, 18 and 20 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1, 4, 12-17, 19 and 21-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/21/2003.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The following Office Action is based on Application No. 10/699,037 filed on October 31, 2003 having claims 23 and Figures 1-4.

2. This application is in condition for allowance except for the following formal matters:

#### ***Specification***

a) The abstract of the disclosure is objected to because of the following informalities:

The acronym PDU found in lines 5, 7 and 12 should be changed to "Protocol Data Units (PDU)" in all lines. Correction is required.

See MPEP § 608.01(b).

#### ***Claim Objections***

b) Claims 1, 4, 12-17, 19 and 21-23 are objected to because of the following informalities:

In claims 1, 19, and 21-23, the phrase "configured to" should be deleted to make the claim positive.

In claim 4, it is suggested that applicant add the word "of" between the words "execution" and "the" in line 4.

In claims 12-17, the acronym BR should be changed to "backwards reporting (BR)".

In claim 13, the acronym FIFO should be changed to "first-in first-out (FIFO)".

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

3. Claims 1-23 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

For claims 1-21, the prior art fails to teach a combination of:

The controller circuitry in conjunction with a first pass classification of a protocol data unit of a first type being operative to execute a first script, and in conjunction with a first pass classification of a protocol data unit of a second type being operative to execute a second script different than the first script, a result of execution of at least one of the first and second scripts being storable in the memory circuitry

A performance monitoring output is generated, responsive to receipt of the protocol data unit of the second type, based at least in part on the result of execution of at least one of the first and second scripts

For claim 22, the prior art fails to teach a combination of:

Executing a second script different than the first script in conjunction with a first pass classification of a protocol data unit of a second type

Storing a result of execution of at least one of the first and second scripts in the memory circuitry

Generating a performance monitoring output, responsive to receipt of the protocol data unit of the second type, based in part of the result of execution of at least one of the first and second scripts

For claim 23, the prior art fails to teach a combination of:

Executing a second script different than the first script in conjunction with a first pass classification of a protocol data unit of a second type

Storing a result of execution of at least one of the first and second scripts in the memory circuitry

Generating a performance monitoring output, responsive to receipt of the protocol data unit of the second type, based in part of the result of execution of at least one of the first and second scripts

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shabtay et al. (US 7,197,008 B1) and Corley (US 2005/0086392 A1) are cited to show systems pertinent to applicant's invention. Corley discloses a processor including a controller circuitry operative to control the performance of a

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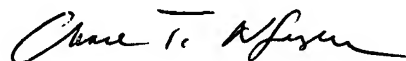
continuity check for a plurality of packets. Shabtay discloses an end-to-end monitoring mechanism utilizing OAM packets transmitted on the Ethernet service layer.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farah Faroul whose telephone number is 571-270-1421. The examiner can normally be reached on Monday - Friday 6:30 AM - 4 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

F. Faroul



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600